

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

LARRY JUNIOR JENKINS,

Petitioner,

v.

Civil Action No. 2:05cv92

THOMAS McBRIDE,

Respondent.

ORDER

It will be recalled that the Petitioner filed an application for leave to proceed *in forma pauperis* on December 20, 2005. On January 23, 2006, Magistrate Judge James E. Seibert filed a Report and Recommendation, wherein the Petitioner was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. In his Report and Recommendation, Magistrate Seibert recommends that the Petitioner's application for leave to proceed *in forma pauperis* be denied. On February 6, 2006, Petitioner paid his filing fees.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issue of whether Petitioner should be allowed to proceed *in forma pauperis* was thoroughly considered by Magistrate Judge Seibert in his Report and Recommendation. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action on the Petitioner's application for leave to proceed *in forma pauperis*. The Court notes that the filing fee has now been paid. Therefore, it is

ORDERED that Magistrate Judge Seibert's Report and Recommendation be, and the same hereby is, accepted in whole. Accordingly, it is

ORDERED that the Petitioner's application for leave to proceed *in forma pauperis* shall be, and the same hereby is, **DENIED**.

ENTER: September 29, 2006


United States District Judge